

Amendments to the Claims:

The listing of the claims set forth below will replace all prior versions, and listings, of claims in the application

Listing of Claims:

Claims 1-36 (Cancelled)

37. (Previously presented) A minimally invasive surgical method comprising:
- making a first incision in a patient;
 - inserting a retractor having a plurality of expandable retractor blades into the first incision;
 - expanding the retractor by separating the retractor blades;
 - advancing a first anchor through the expanded retractor to a first anchor site on a first vertebra;
 - advancing a second anchor through the expanded retractor to a second anchor site on a second vertebra adjacent the first vertebra;
 - making a percutaneous incision in the patient;
 - advancing a third anchor through the percutaneous incision to a third anchor site on a third vertebra adjacent one of the first and second vertebra;
 - positioning a first end of a spinal rod in the expanded retractor;
 - advancing the first end of the spinal rod subcutaneously to the third anchor; and
 - coupling the spinal rod to the first anchor, the second anchor, and the third anchor.
38. (Currently Amended) The method of claim 37, wherein the retractor includes a retractor blade having an opening formed therein that is configured to allow the first end of the ~~fixation element~~ spinal rod to pass therethrough.

39. (Previously presented) The method of claim 37, further comprising creating a second pathway from the percutaneous incision to the third vertebra and advancing the third anchor through the second pathway to the third anchor site.

40. (Previously presented) The method of claim 39, wherein creating a second pathway comprises dilating the percutaneous incision to the third vertebra and inserting a cannula into the dilated percutaneous incision, the cannula defining the second pathway from the percutaneous incision to the third vertebra.

41. (Previously presented) The method of claim 39, wherein the third anchor has a percutaneous access device attached thereto, the percutaneous access device being sized to span from at least the percutaneous incision to the third vertebra, the percutaneous access device having a lumen that defines a second pathway from a proximal end of the percutaneous access device to the third bone anchor.

42. (Currently Amended) The method of claim 41, wherein the percutaneous access device has an opening formed therein to facilitate coupling of the ~~fixation element~~ spinal rod to the third bone anchor.

43. (Currently Amended) The method of claim 37, wherein the first end of the ~~fixation element~~ spinal rod is advanced subfascially to the third anchor.

44. (Previously presented) The method of claim 37, further comprising removing disk material from the disk space between the first and second vertebrae through the first pathway.

45. (Previously presented) The method of claim 44, further comprising inserting bone graft into the disk space.

46. (Previously presented) The method of claim 44, further comprising inserting an interbody fusion device into the disk space.

47. (Previously presented) A minimally invasive surgical method comprising:

implanting a first anchor and second anchor in a first vertebra and a second vertebra, respectively, through an expanded surgical retractor positioned in a first incision;

percutaneously positioning a third anchor in a third vertebra adjacent one of the first vertebra and the second vertebra through a percutaneous incision distinct from the first incision;

advancing the first end of a spinal rod subcutaneously from the first incision to the third anchor; and

coupling the spinal rod to the first anchor, the second anchor, and the third anchor.